

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nancy Hardwick,)	Civil Action No.: 4:13-1359-MGL
)	
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Bank of America, N.A.,)	
)	
Defendant.)	
_____)	

Plaintiff Nancy Hardwick (“Plaintiff”), proceeding *pro se*, brought this action against Bank of America, N.A. (“Defendant”) in the Court of Common Pleas of Horry County, South Carolina. On May 20, 2013, this case was removed to this Court by Defendant. This matter is now before the Court upon the Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West.¹ (ECF No. 12.) In her Report filed on June 14, 2013, Magistrate Judge West recommends this matter be remanded to the Court of Common Pleas, Horry County, South Carolina, for lack of subject matter jurisdiction, pursuant to Text Sua Sponte Order to Show Cause issued by Magistrate Judge West on May 29, 2013. (ECF No. 8.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

¹ This matter was referred to Magistrate Judge West pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(e), D.S.C.

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 12-1.) No objections were filed, and the time for doing so expired on July 1, 2013. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the record including Defendant’s removal documents (ECF No. 1) and Plaintiff’s reply to the Text Sua Sponte Order to Show Cause (ECF No. 10), the applicable law, and the Report and Recommendation, the Court agrees with the conclusions of the Magistrate Judge. Accordingly, the Court adopts and incorporates the Report and Recommendation by reference in this Order. For the reasons stated above and in the Report and Recommendation, this matter is REMANDED to the Court of Common Pleas for the County of Horry, State of South Carolina. The Clerk of this Court is directed to forward the file along with a certified copy of this order to the Clerk of Court for Horry County.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

July 10, 2013
Spartanburg, South Carolina